



October 9, 2023

By ECF

Hon. Jesse M. Furman, U.S.D.J.
United States District Court for the Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: Kumar v. Abdulmohsen Alhunaif et al., 23-CV-321 (JMF)

Dear Judge Furman:

Our firm,¹ along with Kakalec Law, PLLC, represents the Plaintiff in the above-referenced matter. We write in accordance with the Court's August 9, 2023 Order (ECF #18) to provide an update regarding the status of the status of third-party discovery and our proposed timeline for effectuating service.

We also request leave of the Court to serve one additional subpoena on WhatsApp LLC related to a mobile phone number that may be associated with Defendant Khaledah Saad Aldhubaibi.

I. Status of Third-Party Discovery.

To date, Plaintiff has taken the following third-party discovery:

Verizon: We served a subpoena on Verizon on August 14, 2023 and, after conversations with Verizon's counsel, later re-served a more limited subpoena. Verizon produced responsive documents on September 18, 2023. The documents (1) confirm the mobile phone number (631)452-3638 is associated with Defendant Barrak Abdulmohsen Alhunaif; (2) demonstrate that there were incoming calls to this number at least through August 22, 2023; (3) demonstrate that there were nine outgoing calls, originating in Kuwait, from this number on March 3 and 4, 2023; (4) show that all bills on the account had been paid at least through the billing cycle ending on July 21, 2023.

Meta Platforms, Inc. (Facebook, Instagram, and WhatsApp): We served a subpoena on Meta Platforms, Inc. ("Meta") on August 15, 2023 seeking documents pertaining to specific Facebook accounts we believed were associated with the Defendants, other Facebook and/or Instagram

¹ I was previously associated with Radford & Keebaugh, LLC. The firm has changed its name to Radford Scott, LLP. I have updated the firm name and my email address on PACER and on this Court's CM/ECF system.



Hon. Jesse M. Furman
October 9, 2023
Page 2 de 3

accounts associated with the Defendants' names and dates of birth, and documents pertaining to the WhatsApp account associated with the mobile phone number (631)452-3638.

Following our initial communications with Meta's in-house legal staff, outside counsel for Meta requested that we issue a separate subpoena to WhatsApp, LLC and indicated that Meta would respond to the subpoena with respect to Facebook and Instagram after a 21-day notice period.

We issued the requested separate subpoena to WhatsApp on September 7, 2023. WhatsApp produced responsive documents on September 20, 2023. The documents (1) confirm a WhatsApp account is associated with Defendant Alhunaif's mobile phone number; (2) show the account was last opened and viewed on September 19, 2023; and (3) provide the following recovery email address: nycbarrak@hotmail.com.

On September 21, 2023, Meta responded to the subpoena with respect to a Facebook account we believe is associated with Defendant Khaledah Saad Aldhubaibi. However, the response did not provide the full name of the account holder or an associated email address. It did include a phone number, with a Kuwait country code, associated with the account: +965-552-27214. We have confirmed there is a WhatsApp account associated with that phone number.

Also on September 21, 2023, counsel for Meta informed us that it had sent notice to the Facebook account holder associated with <https://www.facebook.com/barrak.hunaif>. If the account holder does not move to quash the subpoena, we should receive responsive documents on or about October 12, 2023.

II. Request for Leave to Serve Additional Subpoena.

Because we have now obtained a mobile phone number associated with the Facebook account we believe belongs to Defendant Aldhubaibi, and we have confirmed this mobile phone number is associated with a WhatsApp account, we respectfully request that the Court grant Plaintiff leave to issue an additional subpoena to WhatsApp LLC seeking usage and identification data (such as the name of the account holder and the recovery email address) associated with this account.

III. Conclusion

In conclusion, the information we have received thus far in response to our subpoenas confirms an email address, active mobile phone number, and active WhatsApp account associated with Defendant Alhunaif. Based on this information, we believe we have sufficient information to effectuate alternative service on Defendant Alhunaif. We also expect Meta's forthcoming response to our subpoena will confirm Facebook contact information associated with Defendant Alhunaif.

We have not yet obtained confirmed contact information for Defendant Aldhubaibi. We believe we will get her contact information through a subpoena to WhatsApp, LLC. Therefore, we request leave to serve an additional subpoena on WhatsApp, LLC.



Hon. Jesse M. Furman
October 9, 2023
Page 3 de 3

We expect we will file a renewed motion for alternative service as to both Defendants fifteen days after we receive responsive documents from WhatsApp, LLC, if the Court grants us leave to serve this subpoena.

Thank you.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Daniel Werner', written over a horizontal line.

Daniel Werner
Co-Counsel for Plaintiff

The Application is GRANTED. Plaintiff is hereby ORDERED to file within thirty (30) days of this Order either a renewed motion for alternative service as to both Defendants OR a status letter detailing the status of third-party discovery and her efforts, if any, to effectuate service. The Clerk of Court is directed to terminate ECF No. 19.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'Jesse M. Furman', written in a cursive style.

October 10, 2023